

REMARKS

With respect to the drawing, the feet 38 described in paragraph [0025] are shown in Figure 4. The numeral 63 in paragraph [0024] should be 23, which is shown in the drawing. Paragraph [0024] of this specification has been amended to correctly recite the numeral 23. A corrected sheet of drawing is attached wherein the reference character "3" in Figure 1 has been changed to -33-. The drawing does show every feature of the invention. With reference, for example, to Figures 1, 2 and 3, it is seen that the support rests or back rests are comprised of articulated parts that can be moved to different positions on the circumference of the sofa. When the back rests 3 are shifted, or moved, they will bend according to the curved circumferential contour of section 32 of edge 5 and will adapt to the shape of the seating surface. When back rest 4 is moved or shifted it will adapt to the circumferential contour of section 31 of the edge 5.

Claim 1 has been cancelled and claim 21 has been added. The claims remaining in this application are considered to be clear and definite and in full compliance with 35 U.S.C. 112. The term "reclining surface" has been removed from the claims to overcome any question as to meaning. The term refers to the seating or lounging or resting surface upon which the user sits or lounges or reclines. As for claims 3 and 15, it is evident that the back rest can be moved to a selected position or adjusted to a selected position along the circumference of the seating surface. Thus, the back rest can be positioned along the entire circumference of the seating surface. The objectionable verbiage "and/or" has been removed from the claims by the present amendment. Claim 21 refers to a support rest (3,4) and is intended to cover both a back rest and an arm rest as appropriate. In claims 2-20, the objectionable term "or arm rest" has been removed. Claim 5 has been amended to clarify that the element (10) is covered with upholstery. Claim 9 has been amended to specify the user, rather, than "someone". As for claim 11, applicant submits that it is clear. The language "the same contour" is being compared to the circumferential contour of the side face. The rail has the same contour as the circumferential contour of the side face. Claim 12 appears to be clear and definite. Applicant would welcome a specific suggestion from the Examiner as to clarifying language if he does not agree that claim 12 is definite. As for claim 13,

the objectionable language "sliding or rolling" has been deleted. In claim 14, the recitation "in particular" has been deleted. Claim 15 has been clarified to recite that the support rest comprises at least one back rest that can be selectively positioned along the circumference of the seating surface. As for the Examiner's objection as to claim 15 regarding "it", it is assumed that the Examiner intended claim 16. Claim 16 has been amended to recite that there are two supporting rests comprising two separately positional back rests. Claim 17 has been amended to overcome the Examiner's objections. As for claim 19, the recitation "in particular" has been deleted and other clarifying amendments have been made. Claims 2-21 remain for consideration.

The claims have previously been rejected as being anticipated by Daswick et al. Applicant submits that Daswick et al. does not teach or suggest the present invention. Claim 21, an independent claim, recites furniture having a seating surface and at least one support rest. This structure is old in the art. The support rest is formed from a plurality of elements connected in an articulated fashion and are flexible in the direction of adjustment along an adjustment path and control means for causing the elements to bend along the adjustment path such that the support rest adapts itself essentially to the circumferential contour of the seating surface along at least a part of the adjustment path. The support rest structure and function described in claim 21 are new and are not to be found in the fair teachings of Daswick et al.

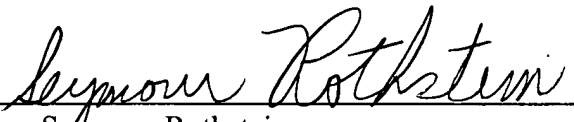
Daswick et al shows in Figs. 1,2, and 19-32 an adjustable piece of furniture that has two separate back rests BR adjustable on a circular frame. The back rests of Daswick et al. are unitary and are not comprised of a plurality of elements connected in an articulated fashion. In Fig. 33 of Daswick et al. there is shown a second embodiment of an article of furniture that has back rests as shown in the first embodiment, but with a non-circular frame. There is no suggestion in the embodiment of Fig. 33 of the claimed invention. A third embodiment is shown in Figs. 33, and 34 wherein two back rests are movable around the periphery of the couch assembly. Neither back rest in Daswick et al. is configured like the claimed support rest and neither back rest functions like the claimed support rest. The fourth embodiment shown in Figs. 36 and 37 of Daswick et al. includes a pair of backrest assemblies BRA4 and a couch assembly CA4. Again there is no suggestion in the fourth embodiment of Daswick et al. of the claimed support rest having a plurality of elements connected in an articulated fashion and flexible in the

direction of adjustment along an adjustment path. The claimed function is nowhere suggested in the fourth embodiment. Daswick et al fails as an anticipation for it does not teach either the structure claimed or the function claimed for that structure. Claims 2-21 patentably distinguish over Daswick et al. and should be allowed.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,

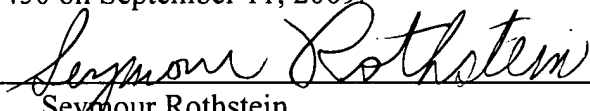
Date: September 11, 2009

By: 
Seymour Rothstein
(Reg. No. 19,369)

OLSON & CEPURITIS, LTD.
20 North Wacker Drive, 36th Floor
Chicago, IL 60606
(312) 580-1180

CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT and attached Replacement Drawing are being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 11, 2009

By: 
Seymour Rothstein